(3)

No. 83-2083

In the Supreme Court of the United States

OCTOBER TERM, 1984

ROBERT LYONS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

SUPPLEMENTAL MEMORANDUM FOR THE UNITED STATES

REX E. LEE
Solicitor General
Department of Justice
Washington, D.C. 20530
(202) 633-2217

In the Supreme Court of the United States

OCTOBER TERM, 1984

No. 83-2083

ROBERT LYONS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

SUPPLEMENTAL MEMORANDUM FOR THE UNITED STATES

This brief is filed to call the Court's attention to recently enacted legislation affecting the question presented in this case. On October 12, 1984, the President signed H.R. J. Res. 648, 98th Cong., 2d Sess. into law as Pub. L. No. 98-473. Section 401 *et seq.* of Title II of Public Law 98-473, the Insanity Defense Reform Act of 1984, effects major procedural and substantive revisions of the insanity defense recognized in federal courts. Section 402 of Title II adds a new Section 20 to Title 18 of the United States Code, which, for the first time, provides a statutory definition of legal insanity.[1] The new 18 U.S.C. 20 provides in pertinent part:

---

[1]Section 402 also makes insanity an affirmative defense in the federal courts and defines the defendant's burden of proof on this issue. Other provisions of the Insanity Defense Reform Act of 1984 govern, inter

> (a) AFFIRMATIVE DEFENSE — It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.

Congress has thus prescribed for the entire federal court system a definition of legal insanity that excludes a volitional component that would exonerate one who, because of mental illness, lacks capacity to conform his conduct to the requirements of the law.

The petition in this case rests largely upon the contention that, by abandoning the volitional component of the insanity defense it had previously recognized, the court of appeals adopted an insanity standard that diverges from that applied in the recent past by other circuits. In our brief in opposition we explained that the decision of the court of appeals reflects an ongoing reappraisal of the scientific grounding for previously applied insanity defense formulations, and that none of the other courts of appeals has as yet undertaken to reexamine this issue in light of recent developments in the field. Because of the action now taken by Congress, any previously existing conflict among the circuits on the judicially defined insanity defense has no

---

alia, the form of verdict to be used in cases where an insanity defense is raised, and commitment of persons acquitted of criminal charges by reason of insanity.

prospective significance.[2] Consequently, there is no justification for further review here.

Respectfully submitted.

REX E. LEE
Solicitor General

OCTOBER 1984

---

[2]Congress plainly has authority to prescribe the rule to be applied by federal courts. See *Leland* v. *Oregon*, 343 U.S. 790, 797-799 (1952), and our brief in opposition in this case at 9-11.